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File No. O. Prince of Wales Museum 147

Legal **DEPARTMENT**

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Subject:—

Opinions under the Prince of Wales Museum Act- 1909

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		Opinions under the Prince of Wales Museum Act, 1904.	
1.	C.No. 2095 3-9-47.	Questions i) whether the Act requires to be modified to authorise its Board to appoint its nominees on the Board of Trustees for the Art Gallery and ii) whether part of the premises of the Museum can be utilised for the Art Gallery without amending the Act.	1-2.

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Office of the R.L.A.

The Board called "the Trustees of the Prince of Wales Museum of Western India" is a body corporate created by the Prince of Wales Museum Act, 1909, and its powers and duties are defined by that Act. Some members of the Board ~~xxx~~ are put in apparently on the gound that certain institutions who nominate them installed or loaned their collections to the Museum or on the ground of certain provisions made in trust deeds like the Sir Dorabji Tata Trust or Sir Ratan Tata Charities etc. It may be possible to expand the number of members of the Board ~~xx~~ as given in section 3(2) by adding one more nominee of the Sir Cowasji Jahangir Trust in connection with the art gallery and its collection so long as the gallery and collection are handed over to the control and management of the Prince of Wales Museum Board. If on the other hand Sir Cowasji Jahangir is not keen for representation on the Board itself, the provisions of section 3C may be availed of and the Board may assume the custody and administration of the collection as distinguished from the gallery for the purpose of keeping and preserving it. One other method is also possible and that is to create a separate Trust of the Art Gallery & and collection which Sir Cowasji Jahangir wishes to donate and to put some members of the Board as trustees on this independent Trust. There is no provision in the Act empowering the Board to appoint its nominees on any other Board such as that of an Art Gallery. To vest any such power in the Board would perhaps be beyond the scope of the Act. Any of the three methods suggested above may, therefore, be adopted.

2. Under section 3(1) the Board has power to let on hire, lease or mortgage any immovable property vesting in them, to enter into contracts and to do all acts necessary for and consistent with the purposes of the Act. It would, therefore, be competent for the board to lease part of the Museum premises for locating the Art Gallery (cf. R.L.A.'s

opinion No. 3305 dated 19-3-1962.). No amendment of the Act appears necessary for the purpose.

Remembrancer of Legal Affairs.

U.O. to E. & I. Deptt. No. 8993,
dated the 3rd September, 1967.

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